

1
2
3
4
5
6
7
8
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA1
2
3
WINSTON NAJEE REED,4
5
Plaintiff,

Case No.: 3:23-cv-00034-ART-CLB

6
7
CALVIN JOHNSON, *et al.*,8
Defendants.

V.

ORDER

(ECF Nos. 1, 1-1, 1-2)

9
10
11
12
13
14
15
16
On January 24, 2023, *pro se* plaintiff Winston Reed, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1, 1-2, 1-3). Plaintiff’s application to proceed *in forma pauperis* is incomplete because he did not include a fully complete application on this Court’s approved form or a financial certificate with the application. Even if Plaintiff has not been at the NDOC facility for a full six-month period, he must still submit both a financial certificate and an inmate account statement for the dates he has been at the facility.17
18
19
20
21
22
23
24
25
26
27
28
The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See *id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. LSR 1-1. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b). To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate** (pages 1–3 of the Court’s form) that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate** (page 4 of the Court’s form) that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust**

1 fund account statement for the previous six-month period. See *id.* at § 1915(a)(1)–
2 (2); Nev. LSR 1-2.

3 Accordingly, **IT IS ORDERED** that the application to proceed *in forma pauperis*
4 (ECF Nos. 1, 1-1, 1-2) is denied without prejudice.

5 **IT IS FURTHER ORDERED** that Plaintiff has **until Tuesday, March 28, 2023** to
6 **either** pay the full \$402 filing fee **or** file a new fully complete application to proceed *in*
7 *forma pauperis* with all three required documents: (1) a completed application with the
8 inmate's two signatures on page 3, (2) a completed financial certificate that is signed both
9 by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund
10 account statement for the previous six-month period. Plaintiff is cautioned that this action
11 will be subject to dismissal without prejudice if he fails to timely comply with this order. A
12 dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new
13 case number, when he can file a complete application to proceed *in forma pauperis* or
14 pay the required filing fee.

15 **IT IS FURTHER ORDERED** that the Clerk of Court shall **SEND** Plaintiff the
16 approved form application to proceed *in forma pauperis* for an inmate and instructions for
17 the same and retain the complaint (ECF No. 1-3) but not file it at this time.

18 **IT IS SO ORDERED.**

19 **DATED:** January 27, 2023.

20 
21 **UNITED STATES MAGISTRATE JUDGE**
22
23
24
25
26
27
28